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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-ninth year

Identical letters dated 25 August 2014 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

I have the honour to attach hereto a letter dated 25 August 2014 addressed to you from Riad Malki, Minister for Foreign Affairs of the State of Palestine (see annex).

I should be grateful if you would arrange to have the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of the State of Palestine to the United Nations

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Annex to the identical letters dated 25 August 2014 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

On behalf of the State of Palestine, I am writing to you to remind our fellow States members of the United Nations of their obligations to investigate and prosecute international humanitarian law violations over which they have jurisdiction, including war crimes committed by their nationals serving in the Israeli occupation forces.

The Israeli military currently has thousands of foreign nationals in its ranks. This total includes both Israeli dual nationals and non-Israeli volunteers enlisted through so-called Mahal programmes. These dual nationals and foreign nationals participate in Israeli combat operations within the territory of the occupied State of Palestine, including the current offensive in the Gaza Strip. Additionally, foreign nationals volunteering with the so-called Sar-El programme provide non-combat maintenance and logistics support to the Israeli occupation forces.

Israeli occupation forces have committed war crimes during the repeated assaults on Gaza in the present, as in the past. They have engaged in indiscriminate and disproportionate attacks. Such actions have caused death and injury to thousands of Palestinian civilians, including children, and massive destruction to civilian properties, in grave breach of international humanitarian and human rights law.

In declared acts of reprisal, Israeli occupation forces have also deliberately targeted vital civilian infrastructure in Gaza, including the only power plant and sewage network, deliberately causing widespread suffering among the civilian population. Throughout the offensive, Israeli occupation forces have also carried out attacks against clearly marked facilities sheltering displaced civilians, including six United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) schools in Gaza, despite prior knowledge of the location and coordinates of the schools and with the full knowledge that they housed thousands of displaced civilians.

International humanitarian law obligates every State to investigate alleged violations over which it has jurisdiction, including war crimes committed by its nationals. Under the Geneva Conventions of 1949 and their Additional Protocols, States are obligated to take all measures necessary to suppress violations of international humanitarian law, including grave breaches, namely, war crimes. Further, States have a duty to investigate violations of international humanitarian law falling within their jurisdiction and to prosecute if appropriate. This responsibility is clearly stipulated in article 49 of the First Geneva Convention, article 50 of the Second Geneva Convention, article 129 of the Third Geneva Convention and article 146 of the Fourth Geneva Convention. Additionally, article 85 (1) of Additional Protocol I of 8 June 1977 incorporates by reference the provisions set forth in the aforementioned articles.

Furthermore, these obligations are specified in several other international treaties, including the Rome Statute of the International Criminal Court, the Convention on the Safety of United Nations and Associated Personnel, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict

and the Second Protocol thereto, the Genocide Convention and the Convention against Torture. Additionally, the General Assembly called upon Member States to take forthwith all the necessary measures to cause the arrest of those war criminals who have been responsible for or have taken a consenting part in war crimes.

Palestine hereby calls upon all States members of the United Nations to meet these legal obligations with regard to the potential involvement of its nationals in international crimes relating to Israel's occupation of Palestine, including the ongoing Israeli offensive in the Gaza Strip, by:

- Identifying all of its nationals who are serving in or otherwise aiding Israeli occupation forces, including participants in the so-called Mahal volunteer brigade and the so-called Sar-El volunteer programme
- Notifying all such persons of alleged violations and war crimes committed by Israel during the current offensive in the Gaza Strip, the potential criminal liability for committing or contributing to the commission of war crimes, and each State's obligation under international humanitarian law to investigate potential war crimes within its jurisdiction and prosecute where appropriate; and investigating any allegations that its national were involved in the commission and/or the aiding and abetting of war crimes during the Israeli offensive on the Gaza Strip, and prosecuting these individuals where appropriate.

(*Signed*) Riad **Malki**
Minister for Foreign Affairs